

## **A Legal Principle of Freedom of Thought and Conscience: A Study from the Viewpoint of “The Sphere of Intellect and Spirit”**

Chiho TAKESHIMA

Graduate School of Social Sciences, Waseda University

The scope and content of the guarantee of Article 19 of the Constitution of Japan still has not reached a clear settlement. It seems that it is an issue of constitutional law to clarify the inherent meaning of Article 19. This paper considers the legal significance of Article 19 – “freedom of thought and conscience” – separately prescribed from other inner spiritual freedom provisions such as the freedom of religion and the freedom of expression.

This paper first verifies the theory of Article 19 and judicial precedents by focusing on the interpretation of “conscience” and “world view.” Second, as a comparative subject, this paper considers an American case precedent of some form of freedom of conscience in the First Amendment to the United States Constitution that seems to have largely influenced judicial judgments in Japan.

The First Amendment to the United States Constitution has guaranteed the existence of an area of conscience of people, “The Sphere of Intellect and Spirit,” which is protected from the intervention of public authority.